

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLARD WILSON WHITE, III,

Defendant.

CR-18-97-GF-BMM

ORDER

The Court granted the Government's Unopposed Motion for a Rule 104(a) Hearing on June 3, 2019. (Doc. 37.) The hearing is presently scheduled for June 5, 2019, at 3:30 p.m. Trial is presently set for June 10, 2019.

Defendant Willard Wilson White, III filed a Motion to Reset 104(a) Hearing on June 4, 2019. (Doc. 41.) White states that he started his new job on June 3, 2019, in Washington state, where he currently resides. *Id.* at 2. White only secured time off from his job to attend his trial. *Id.* As a result, White remains unable to attend the June 5, 2019, hearing in person or telephonically. *Id.* White requests that this Court reset the Rule 104(a) hearing for June 10, 2019, at 8:00 a.m. *Id.* The Government objects to White's motion. *Id.*

Federal Rule of Criminal Procedure 43 governs when a criminal defendant's presence is required during his criminal proceedings. A defendant need not be present when the "proceeding involves only a conference or hearing on a question of law." Fed. R. Crim. P. 43(b)(3). The Court will address the Government's Rule 104(a) motion, and the issues raised in White's trial brief, without White's presence to the extent that those issues involve only questions of law. The Court will address any issues raised at the June 3, 2019, hearing that fall outside of the scope of Rule 43 during the Final Pretrial Conference presently set for June 10, 2019, at 8:30 a.m.

Accordingly, IT IS ORDERED that White's Motion to Reset 104(a) Hearing (Doc. 41) is DENIED.

Dated this 4th day of June, 2019.



Brian Morris
United States District Court Judge